

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL GARDNER,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 4315
)	
COUNTY OF COOK, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court's June 13, 2013 memorandum order ("Order") explained why the pro se Complaint brought by Michael Gardner ("Gardner") was frivolous in the legal sense, so that such cases as Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000) called for denial of Gardner's In Forma Pauperis Application--and this Court so ordered. Because it was possible (though unlikely) that Gardner could seek to obtain funds for payment of the \$400 filing fee, the Order concluded by stating that this action would then be dismissed.

July 9 has arrived without Gardner's having paid the filing fee. Instead he has just filed a one-page "Emergency Motion To Vacate Judgment Order and Denial of In Forma Pauperis Application," accompanied by a three-page "Emergency Motion To Vacate Judgment Order & Reconsideration of Judgment." Both of those documents reflect a total misunderstanding of the principle announced in Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (per curiam) that calls for a more generous reading of filings by pro

se litigants. This Court regularly cites that decision and applies it sua sponte to aid such nonlawyers, who are understandably unfamiliar with the arcane mysteries of federal procedure and practice. But in this instance Gardner's emergency motions make no sense at all--he somehow seems to regard himself as above the law and its system.¹

Instead both "emergency motions" are denied out of hand. Both Gardner's Complaint and this action are dismissed with prejudice.



Milton I. Shadur
Senior United States District Judge

Date: July 9, 2013

¹ For example, he states as a ground for vacating the earlier Order that "any claim of 'immunity' is a fraud." That is of course sheer nonsense--and from that and other aspects of what Gardner has tendered, it would seem a hopeless task to convince him of the flaws in his submissions.